

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
Noemias V. Topete,

Plaintiff,

-against-

Patrick J. Gildea, Joshua Martin and Bradford W.  
Bergen,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: APR 29 2008

-----X  
08 Civ. 1285 (PAC)  
ORDER OF DISCONTINUANCE

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court having been advised that all claims asserted herein have been settled<sup>1</sup>,  
it is,

ORDERED, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within thirty (30) days of the date hereof. The Court will sign a Stipulation of Settlement upon receipt from either party.

Dated: New York, New York  
April 29, 2008

SO ORDERED

  
\_\_\_\_\_  
PAUL A. CROTTY  
United States District Judge

<sup>1</sup> See attached letter dated April 28, 2008 from AUSA Li Yu.



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, Third Floor  
New York, New York 10007*

April 28, 2008

**BY HAND DELIVERY**

The Honorable Paul A. Crotty  
United States District Judge  
United States Courthouse  
500 Pearl St., Room 735  
New York, NY 10007

Re: *Topete v. Gildea, et al.*, 08 Civ. 1285 (PAC)

Dear Judge Crotty:

This Office represents the United States (the “Government”) in the above-referenced tort action in which Special Agent Patrick A. Gildea, an employee of the Federal Bureau of Investigation, has been named as a defendant. Subject to the Court’s approval, plaintiff and the Government have agreed upon a stipulation to (1) substitute the Government as a defendant in place to Agent Gildea and (2) resolve plaintiff’s claims against the Government, having been substituted as a defendant, pursuant to a settlement. I respectfully submit a copy of the proposed Stipulation and Order setting forth the terms of the agreement between plaintiff and the Government.

Further, I have been advised by plaintiff’s counsel that plaintiff also has agreed to discontinue the remainder of her action. As soon as I receive a copy of the executed stipulation of discontinuance from plaintiff’s counsel, I will submit that stipulation to the Court so that this matter may be closed.

I thank the Court for its consideration of the enclosed stipulation.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Li Yu".  
LI YU  
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